

R430-90-21 and R430-50-21: TRANSPORTATION

Purpose

This section provides rules and information about vehicles used to transport children and requirements of the transporting caregiver.

General Information

When the licensee makes arrangements for a parent to transport children other than his/her own to an activity (such as a field trip), then the children are considered children in care and the parent is considered a caregiver. The licensee needs to be in compliance with all the applicable rules, including background checks, orientation training, current First Aid and CPR certification, and rules pertaining to the vehicle.

However, if parents are making arrangements among themselves, without any involvement from the licensee (such as picking up their child and another child and transporting them all to and from school) and the Licensee is not responsible for the child (the child is signed out), then the child would not be considered a child in care and the parent would not be considered a caregiver.

Licensed Family 90-21 and Residential Certificate 50-21:

- (1) Any vehicle used for transporting any child in care shall:
- (a) be enclosed;

Rationale / Explanation

The purpose of this rule is to ensure that children are not at risk for falling out of an open vehicle while it is in motion or being thrown from the vehicle in an accident.

Enforcement

Always Level 2 Noncompliance.

Enclosed means that the vehicle has a top/roof. It does not mean the windows must be rolled up.

Licensed Family 90-21 and Residential Certificate 50-21:

- (1) Any vehicle used for transporting any child in care shall:
- (b) be equipped with individual, size appropriate safety restraints, properly installed and in working order, for each child being transported;

Rationale / Explanation

The purpose of this rule is to prevent children from being killed in an automobile accident. Motor vehicle crashes are the leading cause of death of children in the United States and children who are not buckled in appropriate restraints are 11 times more likely to die in a crash than children who are properly restrained. *CFOC, 3rd Ed. pgs. 289-291 Standard 6.5.2.2*

Enforcement

Always Level 2 Noncompliance.

“Safety restraints” refers to seat belts, car seats, booster seats, etc. used individually and as required by Utah law. Utah code states the following regarding the use of child restraints:

41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.

- (1) (a) The operator of a motor vehicle operated on a highway shall:
 - (i) wear a properly adjusted and fastened safety belt;
 - (ii) provide for the protection of each person younger than eight years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and
 - (iii) provide for the protection of each person eight years of age up to 16 years of age by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

Seat belts that are frayed or tearing will be considered out of compliance.

Licensed Family 90-21 and Residential Certificate 50-21:

- (1) Any vehicle used for transporting any child in care shall:
 - (c) be maintained in a safe condition and have a current vehicle registration and safety inspection;

Rationale / Explanation

The purpose of this rule is to ensure that children are transported in a safe vehicle that meets all legal requirements for the operation of a vehicle in Utah. *CFOC, 3rd Ed. pgs. 373-374 Standards 9.2.5.1, 9.2.5.2*

Enforcement

Level 1 Noncompliance if the vehicle has a serious safety problem. Examples of serious safety problems include broken windows with exposed glass edges, broken doors that do not close, seats have become unattached from the floor of the vehicle, carbon dioxide coming into the vehicle due to a faulty muffler, bald tires, and faulty brakes.

Level 3 Noncompliance if there is not documentation of a current registration.

Licensed Family 90-21 and Residential Certificate 50-21:

- (1) Any vehicle used for transporting any child in care shall:
 - (d) be maintained in a clean condition;

Rationale / Explanation

Regular cleaning helps to ensure that the vehicle is kept free of visible accumulation of soil and litter inside the vehicle. *CFOC, 3rd Ed. pgs. 373-374 Standards 9.2.5.1, 9.2.5.2*

Enforcement

Always Level 3 Noncompliance.

No vehicle used by multiple children can be expected to be free of all debris. Maintaining vehicles in clean condition should allow for normal daily use. This rule applies to situations in which there is a buildup of dirt or debris such that it endangers children's health or safety. Examples of this are if there is so much debris that it causes a tripping hazard or if there is a buildup of soil, food, or other debris that provides a place where disease-causing bacteria can grow.

Licensed Family 90-21 and Residential Certificate 50-21:

- (1) Any vehicle used for transporting any child in care shall:
 - (e) maintain temperatures between 60-90 degrees Fahrenheit when in use; and

Rationale / Explanation

Some children have problems with temperature variations. Whenever possible, opening windows to provide fresh air to cool a hot interior is preferable before using air conditioning. Over-use of air conditioning can increase problems with respiratory infections and allergies. Excessively high temperatures in vehicles can cause neurological damage in children. Temperatures in hot cars can reach dangerous levels within 15 minutes. *CFOC, 3rd Ed. pgs. 291-292 Standard 6.5.2.4*

Enforcement

Level 1 Noncompliance if the temperature in a vehicle is 100 degrees Fahrenheit or higher or 0 degrees Fahrenheit or lower and an infant or toddler was in the vehicle for 15 minutes or more.

Level 2 Noncompliance if the temperature in a vehicle is 100 degrees Fahrenheit or higher or 0 degrees Fahrenheit or lower and a preschool or school age child was in the vehicle for 15 minutes or more.

Level 3 Noncompliance otherwise.

Licensed Family 90-21:

- (1) Any vehicle used for transporting any child in care shall:
- (f) contain first aid supplies, including at least antiseptic, band-aids, and tweezers.

Rationale / Explanation

Providers must be able to respond to the needs of children in case of injury, which requires that adequate emergency supplies be available in all conditions, including when children are being transported. *CFOC, 3rd Ed. pgs. 257-258 Standard 5.6.0.1*

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-21:

- (2) At least one adult in each vehicle transporting any child in care shall have a current Red Cross, American Heart Association, or equivalent first aid and infant and child CPR certification. Equivalent CPR certification must include hands-on testing.

Rationale / Explanation

To ensure the health and safety of children in a child care setting, including during off-site activities, someone who is qualified to respond to common life-threatening emergencies must be present at all times. The presence of such a qualified person can mitigate the consequences of injury and reduce the potential for death from life-threatening conditions. Having these emergency skills, and the confidence to use them, are critically important to the outcome of an emergency situation. *CFOC, 3rd Ed. pgs. 24-25 Standard 1.4.3.1, 1.4.3.2*

Enforcement

Level 2 Noncompliance for no CPR certification.

Level 3 Noncompliance for no first aid certification.

The person with a current first aid certification and the person with a current CPR certification do not have to be the same person.

Licensed Family 90-21:

- (3) The adult transporting any child in care shall:
- (a) have and carry with him or her a current valid Utah driver's license, for the type of vehicle being driven whenever he or she is transporting any child in care;

Residential Certificate 50-21:

- (2) The adult transporting any child in care shall:
- (a) have and carry with him or her a current valid Utah driver's license, for the type of vehicle being driven whenever he or she is transporting any child in care;

Rationale / Explanation

Driving children is a significant responsibility. The purpose of this rule is to ensure that anyone who drives children is competent to drive the vehicle being driven. *CFOC, 3rd Ed. pgs 288-289, Standard 6.5.1.2*

In Utah, a person who drives a vehicle designed to carry 16 or more passengers, including the driver, is required to have a commercial driver's license (CDL). See *Utah Code, Title 53, Section 3, Subsection 102(4) & (5)*.

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-21:

- (3) The adult transporting any child in care shall:
- (b) have with him or her a copy of each child's admission form as specified in Subsection R430-90-9(2)(a);

Residential Certificate 50-21:

- (2) The adult transporting any child in care shall:
- (b) have with him or her a copy of each child's emergency contact information;

Rationale / Explanation

The purpose of this rule is to ensure that children's contact and emergency information is available any time they are being transported. In the event of an accident or a missing child, both caregivers and emergency response personnel may need access to children's emergency and contact information. *CFOC, 3rd Ed. pgs. 257-258 Standard 5.6.0.1*

Enforcement

Always Level 3 Noncompliance.

Licensed Family 90-21:

- (3) The adult transporting any child in care shall:
- (c) ensure that each child in care being transported is wearing an appropriate individual safety restraint;

Residential Certificate 50-21:

- (2) The adult transporting any child in care shall:
- (c) ensure that each child in care being transported is wearing an appropriate individual safety restraint;

Rationale / Explanation

The purpose of this rule is to prevent children from being killed in an automobile accident. Motor vehicle crashes are the leading cause of death of children in the United States and children who are not buckled in appropriate restraints are 11 times more likely to die in a crash than children who are properly restrained. *CFOC, 3rd Ed. pgs. 289-291*

Standard 6.5.2.2

Enforcement

Always Level 2 Noncompliance.

“Safety restraints” refers to seat belts, car seats, booster seats, etc. used individually, and as required by Utah law. Utah code states the following regarding the use of child restraints:

41-6a-1803. Driver and passengers -- Seat belt or child restraint device required.

- (1) (a) The operator of a motor vehicle operated on a highway shall:
 - (i) wear a properly adjusted and fastened safety belt;
 - (ii) provide for the protection of each person younger than eight years of age by using a child restraint device to restrain each person in the manner prescribed by the manufacturer of the device; and
 - (iii) provide for the protection of each person eight years of age up to 16 years of age by securing, or causing to be secured, a properly adjusted and fastened safety belt on each person.

Licensed Family 90-21:

- (3) The adult transporting any child in care shall:
 - (d) ensure that each child is always attended by an adult while in the vehicle;

Residential Certificate 50-21:

- (2) The adult transporting any child in care shall:
 - (d) ensure that each child is always attended by an adult while in the vehicle;

Rationale / Explanation

Supervision of children is basic to the prevention of harm. Parents have an expectation that their children will be supervised when in the care of the provider. This includes supervising children during transport. The placement of a child in a vehicle does not eliminate the need for supervision. Potential dangers when children are left unattended in vehicles include a child leaving the vehicle, a child taking the vehicle out of gear or taking the park brake off, a child being taken from a vehicle by an unauthorized individual, or a child dying from heat stress in a hot car. (Temperatures in hot cars can reach dangerous levels within 15 minutes.) *CFOC, 3rd Ed. pgs. 6-7 Standard 1.1.1.4, pgs. 64-66 Standard 2.2..0.1, pgs. 287-288 Standard 6.5.1.1.*

Enforcement

Always Level 2 Noncompliance.

Licensed Family 90-21:

- (3) The adult transporting any child in care shall:
 - (e) ensure that all children remain seated while the vehicle is in motion;

Residential Certificate 50-21:

- (2) The adult transporting any child in care shall:
 - (e) ensure that all children remain seated while the vehicle is in motion;

Rationale / Explanation

The purpose of this rule is to ensure that children are not injured by falling or being thrown when a vehicle moves, such as in a sudden stop or start. Moving children may also distract the driver and cause an increased risk of an accident. *CFOC, 3rd Ed. pg. 291 Standard 6.5.2.3*

Enforcement

Always Level 2 Noncompliance.

Licensed Family 90-21:

- (3) The adult transporting any child in care shall:
- (f) ensure that keys are never left in the ignition when the driver is not in the driver's seat; and,

Residential Certificate 50-21:

- (2) The adult transporting any child in care shall:
- (f) ensure that keys are never left in the ignition when the driver is not in the driver's seat; and,

Rationale / Explanation

The purpose of this rule is to prevent children from starting and/or moving a vehicle in the absence of a responsible driver.

Enforcement

Level 1 Noncompliance if keys are in the ignition and the driver is not in the vehicle.

Level 2 Noncompliance if keys are in the ignition and the driver is in the vehicle but not in the driver's seat.

Licensed Family 90-21:

- (3) The adult transporting any child in care shall:
- (g) ensure that the vehicle is locked during transport.

Residential Certificate 50-21:

- (2) The adult transporting any child in care shall:
- (g) ensure that the vehicle is locked during transport.

Rationale / Explanation

The purpose of this rule is to prevent an intruder from getting into the vehicle, and to prevent children from accidentally falling out of the vehicle or opening a door before a vehicle comes to a stop.

Enforcement

Always Level 3 Noncompliance.